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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,873	07/25/2001	Akito Kohno	393032027100	7246

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EXAMINER

SELLERS, DANIEL R

ART UNIT PAPER NUMBER

2615

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/912,873

Applicant(s)

KOHNO ET AL.

Examiner

Daniel R. Sellers

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korg and admitted prior art.

3. Regarding claim 1, see Korg

1. A recording/reproducing mixer, comprising:

*a recording/reproducing device that records and/or reproduces a plurality of audio signals in/from a plurality of tracks; (p. 1, para. 1, lines 1-7)*

*a track selector that selects a track of said recording/reproducing device; (p. 1, para. 3, lines 1-6)*

*a reader that reads audio signals of the selected track of said recording/reproducing device; (p. 1, para. 4, line 3-4)*

*a processing device that executes at least one process of equalizing, volume adjustment and effect addition on a plurality of audio signals from a plurality of input channels before mixing the plurality of audio signals; (p. 1, para. 2, lines 1-5 and p.2, para. 1 & 2)*

*a designator that designates a listening mode; and (p. 1, para. 4, lines 3-4)*

*a monitor output controller that directly outputs the audio signals read from the selected track of said recording/reproducing device while bypassing said processing device when the listening mode is designated, and outputs the audio signals read from the selected track of said recording/reproducing device via said processing device when the listening mode is not designated. (p. 1, para. 4, lines 10-11, p. 2, para. 1, lines 4-6, and p. 2, para. 2, lines 6-7 and admitted prior art)*

Korg had a product on sale on April 22, 1999, which teaches and performs the features as outlined above. However, Korg does not teach directly outputting the audio signals directly by bypassing the processing device. Admitted prior art teaches that a user can manually bypass the processing device after selecting a listening mode (specification, p. 2, lines 18-23). It would have been obvious for one of ordinary skill in the art at the time

of the invention to combine the teachings of Korg and the admitted prior art for the purpose of comparing the processed signal with the unprocessed signal.

4. Regarding claim 2, the further limitation of claim 1, see Korg

*... further comprising a read starting position designator that designates a read starting position of audio signals, wherein said reader starts reading from a position designated by said read starting position designator. (Par. 4, lines 5-6)*

The combination of Korg and the admitted prior art teach these features.

5. Regarding claim 3, the further limitation of claim 1, see Korg

*... further comprising a position memory that memorizes a read starting position immediately before an operation mode is changed to the listening mode, wherein said reader starts reading audio signals starting at the read starting position memorized in said position memory, after the listening mode is terminated. (Par. 4, lines 5-9)*

The combination teaches these features.

6. Regarding claim 4, see the preceding argument with respect to claim 1. The combination teaches this method.

7. Regarding claim 5, see the preceding argument with respect to claim 1. The combination teaches this storage medium storing a program.

8. Regarding new claim 6, see the preceding argument with respect to claim 1.

Korg's apparatus teaches the playback of audio without effects being added (see p. 2, para. 2, lines 3-6). The effects can be applied to any source. The combination teaches these features.

9. Regarding new claim 7, see the preceding argument with respect to claim 1 and

6. Korg and the admitted prior art teaches these features, wherein the effects can be utilized or bypassed.

***Response to Arguments***

10. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Vauclain, U.S. Patent No. 3,781,452,

Lewis et al., U.S. Patent No. 4,224,644,

Spector, U.S. Patent No. 4,509,190, and

Lydecker et al., U.S. Patent Application Publication 2003/0028273.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-272-7564.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DRS

  
**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**